

**FILED****APR 24 2015**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALICIA ARIE ARTHUR,

Defendant.

**CR-12-48-GF-BMM-01**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 8, 2015. (Doc. 77). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Arthur admitted to having violated seven conditions of her supervised release. (Doc. 77). Flynn admitted to having violated: (1) standard condition 7 by failing to refrain from use of controlled substances; (2) special condition 2 by failing to participate in substance abuse testing; (3) standard condition 5 by failing

to maintain lawful employment; (4) special condition 9 by failing to make monthly restitution payments; (5) standard condition 2 by failing to report to the probation officer as directed; (6) special condition 3 by failing to participate in a program for mental health treatment; and, (7) by failing to notify the probation officer of a change in residence or employment. *Id.*

Judge Johnston found Arthur's admissions sufficient to establish a supervised release violation. Judge Johnston recommends that this Court revoke Arthur's supervised release. *Id.* Judge Johnston also recommends that the Court sentence Arthur to 7 months imprisonment with a term of 29 months of supervised release to follow. *Id.*

Arthur's criminal history category is IV, the current offense is a Grade C violation, and the underlying offense is a Class C felony. The statutory range is a maximum of 24 months in custody followed by a term of supervised release of up to 36 months, less any custody time imposed. The applicable guideline range is 6 to 12 months in custody followed by a term of supervised release of up to 36 months, less any custody time imposed.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Arthur admitted that she violated multiple conditions of her supervised release. A sentence of 7 months imprisonment with a term of 29 months supervised release to follow is appropriate

in light of her numerous violations and continued substance abuse. A term of imprisonment will ensure that Arthur will refrain from drug use while pregnant.

**IT IS HEREBY ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 77) is ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 24<sup>th</sup> day of April, 2015.

A handwritten signature in black ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris  
United States District Court Judge